

United States Court of Appeals

FOR THE ELEVENTH CIRCUIT

No. 94-6823 and 94-7189
Non-Argument Calendar

D. C. Docket No. CR 94-00061

APR 21 1997

MIGUEL J. CORTEZ
CLERK

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DON LEONARD SCOTT,

Defendant-Appellant.

Appeals from the United States District Court
for the Southern District of Alabama

Before DUBINA and BARKETT, Circuit Judges, and KRAVITCH, Senior
Circuit Judge.

JUDGMENT

These causes came to be heard on the transcript of the record
from the United States District Court for the Southern District of
Alabama, and were taken under submission by the Court upon the
record and briefs on file, pursuant to Eleventh Circuit Rule 34-3;

UPON CONSIDERATION WHEREOF, it is now hereby ordered and
adjudged by this Court that the sentence imposed by the said
District Court in these causes be and the same is hereby AFFIRMED.

Entered: April 21, 1997
For the Court: Miguel J. Cortez, Clerk

By: Matthew Davidson
Deputy Clerk

ISSUED AS MANDATE: 5/22/97

A True Copy - Attested:
Clerk, U.S. Court of Appeals,
Eleventh Circuit

By: Conney Russell
Deputy Clerk
Atlanta, Georgia

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Nos. 94-6823, 94-7189
Non-Argument Calendar

D. C. Docket No. CR 94-00061-CB

UNITED STATES OF AMERICA,

versus

DON LEONARD SCOTT,

Plaintiff-Appellee,
Defendant-Appellant.

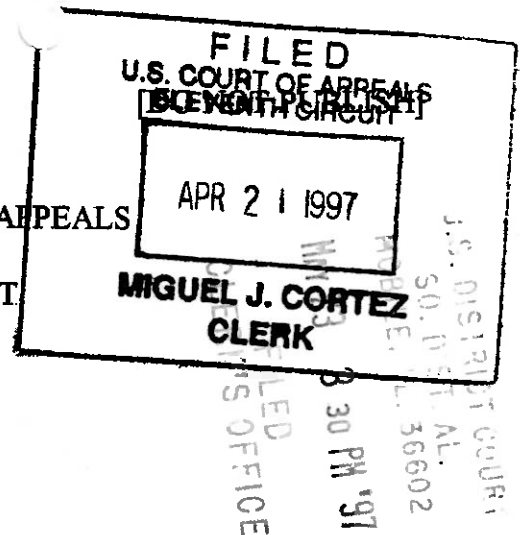
Appeals from the United States District Court
for the Southern District of Alabama

(April 21, 1997)

Before DUBINA and BARKETT, Circuit Judges, and KRAVITCH, Senior Circuit Judge.

PER CURIAM:

Don Leonard Scott appeals his 120-month sentence for conspiracy to possess with intent to distribute crack cocaine. Scott argues that (1) he was entitled to a two-level reduction for acceptance of responsibility under § 3E1.1; (2) he was entitled to an additional one-level reduction under § 3E1.1(b) because he provided substantial assistance and tendered his plea in a timely matter; (3) his role in the conspiracy did not warrant an enhancement for being a manager; (4) the district court



erred in sentencing him to 120 months' imprisonment when compared to the 30-month sentence given to his co-defendant, Eldridge; (5) the district court should have departed downward under § 5K2.0 because his conduct constituted aberrant behavior; and (6) the trial court failed to consider the sentencing disparity between cocaine and crack cocaine.

We have reviewed the record and find no merit to Scott's arguments on appeal.

AFFIRMED.

A True Copy - Attested:
Clerk, U.S. Court of Appeals,
Eleventh Circuit

By: Attny. [Signature]
Deputy Clerk
Atlanta, Georgia